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Attorneys For Defendant ELI LILLY AND COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Defendant Eli Lilly and Company (“Lilly”) hereby requests that this Court take judicial notice of the facts and documents listed below and attached hereto as exhibits, pursuant to Rule 201 of the Federal Rules of Evidence, for purposes of Lilly’s previously filed motion to dismiss the complaint of *qui tam* plaintiff Jaydean Vicente in the above-entitled action.

1. Request No. 1: Margaret Cronin Fisk, *Lilly Fraudulently Marketed Zyprexa, Montana Claims*, BLOOMBERG NEWS, Mar. 12, 2007, a true and correct copy of which is attached hereto as **Exhibit 1**.

This Court may properly take judicial notice of publicly available media publications. *Ritter v. Hughes Aircraft Co.*, 58 F. 3d 454 (9th Cir. 1995); *Washington Post v. Robinson*, 935 F. 2d 282, 291 (D.C. Cir. 1991) (taking judicial notice of a newspaper article to show information was in the public domain).

Respectfully submitted,

Dated: November 21, 2007

SIDLEY AUSTIN LLP

By: /s/ Timothy T. Scott

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